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PATENT APPLICATION
Attorney Docket
No. 71527

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter J. YIM et al.

Appln No. 09/934,968

Filed: August 22, 2001

Title: VESSEL SURFACE RECON-
STRUCTION WITH A TUBULAR
DEFORMABLE MODEL

Group

Art Unit: Unassigned

Examiner: Unassigned.

CERTIFICATE OF MAILING

I hereby certify that this paper is
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20231, on this date.

2/26/02
Date

Registration No. 30,562
Attorney for Applicant(s)

Hon. Commissioner of Patents
and Trademarks
Attention: Assistant Commissioner
Of Patents
Washington, D.C. 20231

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48

Sir:

This present petition is to correct inventorship of the above-identified application under 37 CFR §1.48. More specifically, Applicants hereby request that Ronald M. Summers be removed as an inventor and that Peter J. Yim, Peter L. Choyke, and Mullick Rakesh remain as inventors in the above-identified application.

As filed, the present application listed four individuals (i.e., Peter J. Yim; Peter L. Choyke; Mullick Rakesh; and Ronald M. Summers) as inventors. The application was filed with an unexecuted declaration. The "Notice to File Missing Parts of a Non-Provisional Application" was mailed September 28, 2001. In

seeking to obtain signatures on the Declaration, it was discovered that Dr. Ronald M. Summers did not believe that he was, in fact, an inventor. Dr. Summers effectively refused to sign the declaration because he was not involved in the work leading to the invention and did not consider himself an inventor. On further investigation, it was determined that Dr. Yim was a postdoctoral fellow in Dr. Summers' laboratory at the time of the invention and named Dr. Summers as an inventor for that reason. It was further determined that Dr. Summers was not involved in the work and should not have been named as an inventor. The error of naming Dr. Summers as an inventor was made without any deceptive intent on the part of Dr. Summers or any of the true inventors.

Applicants respectfully request that the inventorship be modified to remove Dr. Summers as an inventor. Further, Applicants respectfully request that the declaration signed by the three remaining inventors be accepted in the present application.

In support of this request, Applicants have obtained, and enclose herewith, a declaration signed by Dr. Summers indicating that he does not believe that he is an inventor of the subject matter claimed in the present invention and that he believes that his named should be removed. Further, this declaration indicates that the error in inventorship was made without any deceptive intent.

Also enclosed is a declaration from Peter J. Yim concurring with the conclusion that Dr. Summers was not, in fact, an inventor; and should be removed from the present application; and that the error in naming Dr. Summers was made without any deceptive intent. Mullick Rakesh currently resides in Bangalore, India. Because Dr. Rakesh is not readily available, a declaration from Dr. Rakesh supporting this change in inventorship is not included. Dr. Peter L. Choyke was also not readily available; therefore, a declaration from Dr. Choyke supporting this change in inventorship is not included. Declarations from Dr. Rakesh and/or Dr. Choyke can be supplied upon request.

CONCLUSION

Applicants respectfully request the inventorship of the present application be corrected as indicated above and that the declaration signed by Peter J. Yim, Peter L. Choyk, and Mullick Rakesh be accepted. Applicants further request that this application be examined in due course.

If the PTO believes that a telephonic or personal interview would be helpful to terminate any issues which may remain regarding the correction of inventorship or other issues, they are requested to telephone Applicants' attorney at the telephone number set forth herein below.

The Commissioner is hereby authorized to charge any additional fees which may be required in the Application to Deposit Account No. 06-1135.

Respectfully submitted

FITCH, EVEN, TABIN & FLANNERY

By: _____

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Dated: February 26, 2002

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